

SILVERTHORNE TOWN COUNCIL
Meeting Minutes
Wednesday, April 14, 2010

CALL TO ORDER/ROLL CALL/APPROVAL OF AGENDA:

Hodgell swore in Dave Koop for his second term as Mayor and the newly elected Town Council members Darrick Wade and David Preaus.

Those members present and answering roll call were Mayor Dave Koop, Council Members Bruce Butler, Ann-Marie Sandquist, Darrick Wade and David Preaus. Dave Anderson and Vince Lanuza were absent. Staff members present were Town Manager Kevin Batchelder, Town Attorney Jerry Dahl, Recreation and Culture Director Joanne Breigenzer, Public Works Director Bill Linfield, Utilities Manager Zach Margolis, Police SGT. Tim Osborn, Community Development Director Mark Leidal, Planning Manager Michael Johnson, Assistant to the Town Manager Ryan Hyland and Executive Assistant Becky Hodgell.

STAFF COMMENTS:

Breigenzer announced up-coming events at the Pavilion and at the Recreation Center. Batchelder announced Dave Anderson and Vince Lanuza were not feeling well and are not able to attend the meeting.

COUNCIL COMMENTS:

Sandquist welcomed the new council members.

ELECTION OF MAYOR PRO TEM

Mayor Koop asked if the appointment of Mayor Pro-Tem should be postponed due to absent council members.

Dahl stated we could defer until full council is available. Butler is willing to nominate if present Council is OK with a nomination. Sandquist agreed. Mayor Koop opened the floor for nominations.

BUTLER MOVED TO NOMINATE VINCE LANUZA FOR THE OFFICE OF MAYOR PRO-TEM. MOTION SECONDED BY SANDQUIST. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT.

Mayor Koop presented a plaque of recognition to Karl Heggland and thanked him for his two years of service to the Planning Commission.

CONSENT CALENDAR:

Butler commented that the SPORT committee is a pleasure to work with. Mayor Koop thanked the members that are being reappointed stating the Town really appreciates the entire Committee and their work.

BUTLER MOVED TO APPROVE THE CONSENT CALENDAR INCLUDING THE MINUTES FROM MARCH 24, 2010 MEETING. MOTION SECONDED BY SANDQUIST. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT.

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CITIZEN COMMENTS:

Boot Gordon, Silverthorne, commented on the Mayan calendar ending in 2012 and predicting a huge event will occur. Mr. Gordon also commented on a potential economic collapse and global warming. Mr. Gordon encourages a sense of community by dividing Silverthorne into neighborhoods, repealing the code against raising chickens and seeking sources of energy like the Blue River.

PUBLIC PRESENTATIONS:

None.

LIQUOR BOARD:

PUBLIC HEARING:

TARGET CORPORATION – TARGET STORES T-1525 – NEW RETAIL 3.2% BEER OFF PREMISE LIQUOR LICENSE

Sandquist explained she would like the Applicant and public to have the opportunity of full Council consideration, which would not be possible with two members currently absent. Sandquist suggested holding the Hearing and then proposing a motion to continue the Hearing.

Dahl explained the procedures for a continuance of a liquor hearing. Absent council members would be asked to review the recording of the meeting, the packet of information and all hand outs received during the meeting, in preparation of the next meeting. Absent council members would be asked at the next Council meeting if they reviewed all information regarding the Hearing in order to participate in the continued Hearing.

The Mayor proposed continuing as normal with the public hearing and then considering any motions brought forth.

Public Hearing Opened:

Applicant: Roger Morris, 1775 Sherman Street Ste# 1445, Denver, present on behalf of the Target Corporation. Target Corp. submitted a complete application and requested the Mayor accept the entire administrative file into the hearing record. Mayor accepted the records.

Dahl swore in all witnesses that would be testifying during the Hearing.

Max Scott, owner and operator of Oedipus, Inc., 1216 Tipperary Street, Unincorporated Boulder County, was called as a witness by Morris. Scott is president of the professional opinion poll company Oedipus, Inc. Scott explained the background on the company and how the company conducts surveys and the survey results.

Morris asked Scott's opinion whether the Target survey has a strong showing of needs and desires for a liquor license. Scott answered "Yes".

Eric Holm, 715 Blue River Parkway, Silverthorne, Target Store Manager. Holm oversees all operations of the store and is responsible for all compliance, including alcohol. The store staffs approximately 120 – 150 employees. After renovation, Target will offer about 80% of the grocery inventory available at a Super Target. Target has many processes in place to follow all state laws regarding 3.2% beer sales. Target has a nation-wide alcohol sales training program in place of Colorado's TIPS program. Target wants to make 3.2% beer sales convenient for

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the local community as well as visitors. Holm spoke briefly about Target's security and camera systems being upgraded with the remodel. Target will comply with all Colorado liquor codes.

Mayor Koop asked about minor employees selling 3.2% beer. Holm explained Target's procedures that are in place and assured Council that Target staff will be trained appropriately. Holm explained that no minor will be allowed to sell beer to a customer.

Butler asked Holm if Target sells full strength beer in other states. Morris explained only one Target store in Colorado sells liquor but does business under a liquor licensed drug store and is the only Target store able to hold such a license in the state.

Morris handed out Target's employee training guide (noted as exhibit 1) and petition/opinion poll (exhibit 2) results to Council. Holm passed three letters of support from residents to Council (noted as exhibit 3).

Morris called Paul Geiger, 477 West Coyote Drive, Silverthorne as a witness. Geiger is in charge of asset protection and loss prevention for Target Corporation. Geiger explained that Target is aggressive about security. Silverthorne's Target full camera system is being upgraded during the remodel, including the parking lot. In Geiger's opinion, it will be very difficult for anyone to steal alcohol from the Target store.

Public Comment:

Nina (Chris) Carran, 43 Spur Court, Silverthorne. Carran is owner of Locals Liquors and is opposed to Target receiving a 3.2% beer license. There are six 3.2% beer licenses in a 2-3 mile radius and four liquor stores. No need for additional liquor stores. Questioned Target's ability for legal controls. State legislation is determining whether or not grocery stores should be able to operate as liquor stores. If law passes, Target will become a full liquor store and take business from smaller businesses. Carran passed a picture of the 3.2% beer selection at Frisco's Walmart and wonders if they will expand if legislation passes in November.

Greg Urtusuaftedui, 408 Cascade Circle, Silverthorne on behalf of Silverthorne Liquors. Greg agrees with Carran. His family is local and kids go to school here. If Target sells liquor it could very well put them out of business. TIPS training caused him to believe establishments cannot take Canadian, Mexican licenses or IDs, and military cards.

Morris cross examined Urtusuaftedui, asking if Silverthorne Liquors sells 3.2% beer. Urtusuaftedui responded "no". Morris asked will Target be able to sell full strength beer with 3.2% license. Urtusuaftedui responded "no". Urtusuaftedui noted concerns with pending liquor legislation.

Morris called Holm back to the stand. Morris asked Holm about the validity of Canadian licenses. Holm clarified the different forms of IDs.

Council Comments:

Sandquist commented on pending legislation. Target is applying for a 3.2% beer license. She clarified that a new liquor application would need to be submitted for 6.0% license. Target is expanding and spending money to increase grocery sales. We want Target to be able to compete with City Market.

Wade asked Dahl how many votes are needed to pass a motion. Dahl responded three votes.

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Wade asked Carran if she sells 3.2 % beer at their location. Carran responded “no”. Butler is excited Target is expanding. Target is fit to handle this sort of service. Butler is concerned that he doesn’t see Target as a grocery store only and it’s hard to compare to City Market.

Dahl explained next steps if a motion to continue passes.

SANDQUIST MOVED TO CONTINUE THE PUBLIC HEARING ON THE APPLICATION OF TARGET STORES T-1525 FOR A NEW RETAIL 3.2% BEER OFF PREMISE LIQUOR LICENSE TO WEDNESDAY, APRIL 28, 2010 AT 6:00 PM IN THE TOWN COUNCIL CHAMBERS. MOTION SECONDED BY BUTLER. MOTION PASSED THREE TO ONE. WADE OPPOSED.

Liquor Board Closed.

PUBLIC HEARINGS:

ORDINANCE 2010-01, AN ORDINANCE AMENDING TOWN CODE TO ALLOW COLLECTION OF DELINQUENT AMOUNTS, SECOND READING

Dahl summarized the purpose of Ordinance 2010-01 and explained how the Ordinance would benefit the Town by using a third party agency for collection of delinquent amounts and outstanding warrants for nonpayment, including the costs associated with collection process.

Mayor Koop thanked Jerry for his summary.

No public comments.

Sandquist commented that this is a chance to clean up outstanding collections.

BUTLER MOVED TO APPROVE ORDINANCE 2010-10, AN ORDINANCE AMENDING THE SILVERTHORNE TOWN CODE CONCERNING COLLECTION OF DELINQUENT AMOUNTS OWED TO THE TOWN, ON SECOND AND FINAL READING. MOTION SECONDED BY SANDQUIST. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT.

BOARD OF ADJUSTMENT:

None.

ACTION ITEMS:

RAINBOW PARK MASTER PLAN UPDATE

Michael Johnson, Planning Manager, briefed the Council on the updated Rainbow Park Master Plan and explained the Plan has not been updated in almost 15 years. The Town thought maybe there would be new uses and interest also. Michael also reminded Council that monies have been budgeted for replacement of the playground equipment in 2010 and prior to spending the funds, Staff wanted to assure that the playground was in the proper location and sized appropriately. Michael explained the steps taken in order to reach a final master plan. SPORT committee has submitted recommendations and is asking Council to approve these recommendations for the improvement of Rainbow Park.

Wade asked about public comment on the back area, specifically why wasn’t a dog park or BMX park recommended. Michael explained the concerns of nearby neighbors and land use

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concerns. SPORT has looked at other options for a dog park and Rainbow Park was not a preferred site. Wade commended Michael on doing a good job with the Master Plan.

Council Comment:

Butler believes SPORT has done a good job with much effort and thought put into this plan. Butler supports the Plan.

Preaus feels a dog park is not an appropriate use for that location but there is an interest from the community for a dog park in Silverthorne.

Mayor Koop wanted LAPS to know we will keep a dog park on the radar in Silverthorne; we'll keep working on it.

BUTLER MOVED TO APPROVE THE UPDATE TO THE RAINBOW PARK MASTER PLAN AS RECOMMENDED BY SPORT COMMITTEE. MOTION SECONDED BY PREAUS. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT.

DISCUSSION ITEMS:

None.

EXECUTIVE SESSION:

None.

INFORMATIONAL:

Sport Committee Meeting Minutes – March 18, 2010

Planning Commission Meeting Minutes – April 6, 2010

WADE MOVED TO ADJOURN. MOTION SECONDED. MEETING ADJOURNED AT 7:40 P.M.

DAVE KOOP, MAYOR

ATTEST

BECKY HODGELL, DEPUTY CLERK

These minutes are only a summary of the proceedings of the meeting. They are not intended to be comprehensive or to include each statement, person speaking or to portray with complete accuracy. The most accurate record of the meeting is the videotape of the meeting, maintained in the office of the Town Clerk.

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